

Statement of Rep. Edward Markey Introducing the Amusement Park Ride Child Labor Act of 2004

Mr. Speaker, I rise to introduce “The Amusement Park Ride Child Labor Act of 2004,” an act that directs the Secretary of Labor to prohibit the employment of minors as ride operators. For the sake of both the young employees and the park patrons, who are disproportionately children themselves, the Department of Labor should recognize that operating roller coasters and thrill rides requires split-second judgments that, if mishandled, can injure both the operator and dozens of riders. Let minors take the non-hazardous jobs in our parks –let adults run the rides.

It is Not Safe for Minors to Operate Rides

If it were ever wise to allow minors to operate amusement park rides, it is not a safe practice today. Based on the National Electronic Information Surveillance System (NEISS), the Consumer Product Safety Commission (CPSC) estimates that, nationwide, 800 employees are injured operating amusement park rides each year. This is in addition to the estimated 6,800 – 10,700 patrons injured on amusement park rides each year.¹ The potential for dangerous, debilitating and sometimes deadly consequences when persons operating amusement park rides make misjudgments, either in the operation of the ride itself or in the reaction to a situation brought on by rider error or ride malfunction, is very serious.

According to the Bureau of Labor Statistics, 114 employees died while attending to amusement and recreation facilities during the 10-year period 1992-2002, and 7 of those fatalities involved children under the age of 18.

During 2001, nonfatal injuries suffered by amusement ride attendants totaled 2,475, and nearly one out of every five injuries was suffered by a child employee.

The fact is that in the past 15 years, the speed and complexity of amusement park rides has risen dramatically. All of the nation’s 15 fastest coasters have been built in the last 10 years. But clearly, the margin for error is much narrower for the operator of a ride traveling at 100 mph than on a ride traveling 50 mph. People make mistakes, and the riders often act like children, because they often are children. This situation is dangerously compounded by allowing young teenagers to be put in charge of running these high-tech, high-speed machines.

The following are just a few examples of tragedies involving ride operators under the age of eighteen.²

¹ See CPSC’s “Amusement Ride-Related Injuries and Deaths in the United States: 2003 Update,” Nov. 2003, p. 15.

² These reports come from “Amusement Park Ride Accident Reports and News” on <http://members.aol.com/rides911/accidents.htm>.

In August 1999, a 16-year-old boy ride attendant died from injuries he suffered at Lake Compounce amusement park in Bristol, Connecticut. The boy was working as a ride attendant on the "Tornado," a spinning ride more commonly known as the "Scrambler." The accident happened when the boy stepped onto the ride before it had come to a complete stop. His legs got caught underneath the ride and he was dragged until the operator activated the emergency stop. The boy was left pinned underneath the ride from the waist down. Firefighters used inflatable devices to lift the ride off of the victim. After the boy was freed, he was transported by helicopter to a hospital, where he underwent surgery. His injuries included a head wound and broken bones, in addition to possible broken arms, dislocated shoulders, and multiple internal injuries.

In June 1997, a 17-year old ride operator at Celebration Station in Tulsa, Oklahoma was killed while operating a swinging boat ride. The teen fell into the frame of the ride in an area underneath the boat while the ride was in motion. He was crushed and died within 15 minutes. Five children were passengers on the ride at the time of the accident. Investigators from the Oklahoma Department of Labor ruled the death accidental, saying that the ride had not experienced any mechanical failure.

In June 1996, a 16-year old ride operator at Bonkers 19 Amusement Park in Weymouth, Massachusetts started the Mini Himalaya ride without notice. A 5-year old girl's foot was gashed when it was trapped against the ride's track. Later that same year, in September, during the operation of the same ride by a different 16-year old, part of the scalp of an 8-year old girl was torn off when her hair became entangled in the motor powering the Mini Himalaya.

Support for Prohibiting Minors from Operating Rides

At least nine states have recognized that it is per se hazardous to employ children 17 years of age or younger as ride operators and have included provisions in their laws to restrict such employment. Alaska, Connecticut, Iowa, Massachusetts, Minnesota, New York, Rhode Island, West Virginia, Wisconsin all have 18 year old age limits. Some include exemption for "kiddie rides," but all have adopted state standards that make it the rule, not the exception, that minors shall not operate the vast majority of park rides in their states.

In addition, the Walt Disney Corporation has already recognized the wisdom of avoiding having youngsters placed in charge of the safe operation of their park rides. As a matter of park policy, Disney will not allow anyone younger than 18 years of age to operate a Disney ride.

Background on Federal Regulations

The Department of Labor has jurisdiction over the safety of child amusement park employees. This legislation would be unnecessary if the DOL would simply use its

existing authority to restrict this kind of employment. The Fair Labor Standards Act (FLSA), 29 U.S.C. Chapter 8, §212, directs the Secretary of Labor to carry out the objectives of the child labor provisions, namely, to prohibit “oppressive child labor.” “Oppressive child labor” is defined by the FLSA, 29 U.S.C. Chapter 8, §203, as a condition of employment which the Secretary finds and declares as “particularly hazardous for the employment of children between such ages [16 and 18] or detrimental to their health or well-being.”

Under this provision, the Secretary has issued 17 Hazardous Occupation Orders restricting children from certain hazardous jobs. For example, Order 7 declares “hazardous” the operation of most power-driven hoisting apparatus, including non-automatic elevators exceeding one ton, 29 CFR §570.58. Most people would agree that an amusement park ride has all the characteristics of a “power-driven hoist” that lead to its designation as “hazardous” -- with the exception of the people at the DOL. With the support of the industry, the DOL has helpfully issued guidance to the public that specifically carves out amusement parks rides from this “hazardous” designation.³ It is difficult to understand how the DOL could conclude that operating an elevator is hazardous to a minor, while operating amusement park rides is not.

Conclusion

Due to the seasonal nature of the amusement park business, many teenagers under the age of 18 seek summer employment at the parks, something that I applaud and encourage. Most jobs at the parks have nothing to do with hazardous machinery. Teenagers can safely fill jobs such as selling tickets, waiting on tables, or guiding patrons. But when it comes to filling a job as safety-critical as the loading and operation of ride machinery, it is simply irresponsible to risk the health of the employee or the park patrons by giving such a job to a minor.

As the amusement park season commences, I urge my colleagues to cosponsor this important legislation and to help improve the safety of our nation’s parks.

Thank you.

³ See the Department of Labor’s “Fact Sheet #37: Application of the Federal Child Labor Provisions to Amusement Parks and Recreation Establishments.”